IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11319 of 2005

Between:

G. Shankar S/o. Late Jangaiah
R/o. H.No. TRT No. 126(1st Floor), Bearing MCH No. 1-1-18/42,
I.H. COlony, Jawaharnagar, Chikkadapally, Hyderabad.

..... PETITIONER

AND

1 The Municipal Corporation of Hyderabad, Rep. by its Commissioner, Tank Bund , Hyderabad.
2 The Asst. Town Planning Officer, MCH, Circle III, Abids, Hyderabad.
3 Mr. Prabhudas S/o. Not known
R/o. TRT No. 125 (Ground Floor), MCH No. 1-1-18/42, I.H. Colony, Jawaharnagar, Chikkadapally, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of Mandamus declaring action of the respondents 1 and 2 and its staff in not taking appropriate action to stop the un-authorized constructions started by the 3rd Respondent in respect of Qr. TRT No.125, situated at Jawaharnagar, Chikkadpally, Hyderabad, as illegal, arbitrary, without authority and violative of principles of natural justice and consequently direct respondents 1 and 2 to take immediate action to stop the un-authorized constructions and also demolish the constructions already made by disposing of representation dt.4-5-2005 submitted by the petitioner.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos 1 and 2.: MR.RAMA RAO GHANTA

Counsel for the Respondent No.3 :

The Court made the following :

ORDER:

Heard the learned Counsel appearing for the petitioner as well as the respondents 1 and 2.

The learned Counsel appearing for the petitioner contended that the respondents 1 and 2 are not taking any action in respect of the unauthorized constructions being made by the 3rd respondent in respect of the Quarter TRT No.125, situated at Jawaharnagar, Chikkadpally, Hyderabad. It is further contended that the petitioner filed a representation dated 4.5.2005 before the respondents 1 and 2 requesting them to take action as against the illegal constructions being made by the 3rd respondent, but no action has been taken so far.

It is not known as to whether the 3rd respondent started constructions after obtaining necessary permission or not.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents 1 and 2 to consider the representation of the petitioner, dated 4.5.2005 after giving reasonable opportunity to the petitioner as well as the 3rd respondent. No order as to costs.

17th May, 2005

Note:

Furnish C.C. by tomorrow.

(B/O)

Nn.

Copy to:

1. The Commissioner, The Municipal Corporation of Hyderabad,

Tank Bund, Hyderabad.

2. The Assistant Town Planning Officer, M.C.H., Circle III, Abids, Hyderabad.

3. Two C.D.Copies.